

Message Text

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61

ORIGIN EB-07

INFO OCT-01 AF-06 EUR-12 EA-09 NEA-10 ISO-00 IO-11 CCO-00

CIAE-00 OTPE-00 FCC-02 INR-07 NSAE-00 OC-05 USIA-15

COME-00 BIB-01 ACDA-10 DODE-00 PM-04 L-03 NASA-02

NSC-05 OES-05 DOTE-00 FMC-02 CG-00 OFA-01 DLOS-04

MC-02 OIC-02 (ISO) R

DRAFTED BY EB/TD:ALFREEMAN/L/EB:TTALLERICO:SP

APPROVED BY EB/TD:GLHUFFCUTT

EUR/SOV - MR. TREICHEL

IO/TRC - MR. HOYT

EUR/RPE - MR. WOLFE

EA/J - MR. DEMING

EUR/CAN - MR. BLAKEMORE

AF/W - MR. SEGARS

FCC - MR. GREENBURG

OTP - DR. NALESZKIEWICZ

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R 240302Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY LONDON

AMEMBASSY MONROVIA

AMEMBASSY MOSCOW

AMEMBASSY NEW DELHI

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: ETEL, IMCO, XT, UR, IN, CA, JA, LI

SUBJECT: INMARSAT - PATENT AND TECHNICAL INFORMATION
POLICY.

REF: 75 STATE 274341 (NOTAL)

1. AT THE THIRD MEETING OF THE INTER-SESSIONAL WORKING GROUP (ISWG) ESTABLISHED BY THE IMCO CONFERENCE ON THE ESTABLISHMENT OF A MARITIME SATELLITE ORGANIZATION (INMARSAT), THE UNITED STATES STATED THAT IT HAD NOT COMPLETED ITS DOMESTIC CONSULTATIONS WITH RESPECT TO PATENT AND TECHNICAL INFORMATION POLICY. THE DELEGATION STATED FOR THE RECORD THAT THE U.S. WAS CONSIDERING THE TWO ALTERNATIVES WHICH NOW APPEAR IN THE REPORT OF THE ISWG TO THE RESUMED SESSION OF THE CONFERENCE MARSAT/CONF/13, ARTICLE 29, PAGES 22 - 26, AS WELL AS A COMPROMISE TEXT WHICH WAS DEVELOPED DURING THE COURSE OF THE SECOND MEETING OF THE ISWG BUT NOT FORWARDED TO THE RESUMED SESSION. THE U.S. DELEGATION DID AGREE AT THE THIRD MEETING OF THE ISWG TO INFORM ALL THOSE WHO HAD PARTICIPATED IN DISCUSSIONS ON THE SUBJECT OF PATENTS AND TECHNICAL INFORMATION POLICY OF ITS POSITION BY JANUARY 26.

2. ADDRESSEES ARE REQUESTED TO INFORM THE FOLLOWING NAMED HOST COUNTRY OFFICIALS BY COB JANUARY 26 OF THE POSITION DESCRIBED IN PARAGRAPH 3:

BONN: FREIHERR R. VON PREUSCHEN, COUNSELLOR, MINISTRY
OF RESEARCH AND TECHNOLOGY

BRUSSELS: MR. J. BOUSSE, MINISTER PLENIPOTENTIARY,
MINISTRY OF FOREIGN AFFAIRS

LONDON: MR. T. U. MEYER, ASSISTANT SECRETARY, POSTS
AND TELECOMMUNICATION DIVISION, DEPARTMENT OF INDUSTRY

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MONROVIA: MR. J. G. BESTMAN, DEPUTY COMMISSIONER OF
MARITIME AFFAIRS

MOSCOW: MR. Y. S. ATSEROV, HEAD OF NAVIGATION AND
MARITIME TELECOMMUNICATION DEPARTMENT, MINISTRY OF
MERCHANT MARINE

NEW DELHI: MR. P. G. DAMLE, DIRECTOR-GENERAL, OVERSEAS

COMMUNICATIONS SERVICE, MINISTRY OF COMMUNICATIONS

OSLO: AMBASSADOR F. SEYERSTED

OTTAWA: MR. J. S. STANFORD, DIRECTOR, LEGAL ADVISORY
DIVISION, DEPARTMENT OF EXTERNAL AFFAIRS

PARIS: MR. P. LOUET, SOUS-DIRECTEUR DES AFFAIRES
SPATIALES, FOREIGN AFFAIRS MINISTRY

ROME: MR. G. FERRARI, MINISTRY OF FOREIGN AFFAIRS

STOCKHOLM: MR. B. VOSS, HEAD OF DEPARTMENT, MINISTRY
OF TRANSPORT AND COMMUNICATIONS

THE HAGUE: MR. HANS SONDAAL, HEAD, TREATIES PREPARATION
SECTION, MINISTRY OF FOREIGN AFFAIRS

TOKYO: MR. H. HIDAKA, TELECOMMUNICATIONS COUNSELLOR,
MINISTRY OF POSTS AND TELECOMMUNICATIONS

3. A) WHILE THE UNITED STATES HAS GIVEN SERIOUS
CONSIDERATION TO THE TEXT FOUND IN ALTERNATIVE A AND
THE "COMPROMISE TEXT", WE HAVE CONCLUDED THAT THE MOST
APPROPRIATE POLICY FOR INMARSAT IS STILL REFLECTED IN
ALTERNATIVE B (WITH SOME SLIGHT TEXTUAL MODIFICATIONS
DESCRIBED IN THE FOLLOWING PARAGRAPH). THIS POLICY

WOULD RESULT IN THE MINIMUM COST OF PROCUREMENT FOR
THE ORGANIZATION WHILE AT THE SAME TIME PROVIDING THE
ORGANIZATION WITH THE RIGHTS IN INVENTIONS AND TECHNICAL
INFORMATION THAT IT REQUIRES. THE U.S. ALSO CONTINUES
TO BELIEVE THAT ANY ARTICLE ON THIS SUBJECT BELONGS IN
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THE OPERATING AGREEMENT, NOT IN THE CONVENTION.

B) THE UNITED STATES WILL, HOWEVER, PROPOSE SEVERAL
SLIGHT CHANGES TO THE TEXT OF ALTERNATIVE B. MOST OF

THESE CHANGES ARE EDITORIAL CHANGES WHICH MAKE THE
TEXT CLEARER. TWO CHANGES ARE, HOWEVER, WORTH NOTING
(ALTHOUGH THESE CHANGES ALSO REPRESENT CLARIFICATIONS,
NOT NEW CONCEPTS). THE FIRST CHANGE WOULD AMEND THE
TEXT OF PARAGRAPH 2(B) TO ADD A PHRASE WHICH MAKES IT
CLEAR THAT THE RIGHT REFERRED TO IN THAT SUBPARAGRAPH
IS A RIGHT TO DISCLOSE TO "SIGNATORIES AND OTHERS
WITHIN THE JURISDICTION OF ANY PARTY" (AS OPPOSED
TO A RIGHT TO DISCLOSE TO ANYONE). THE OTHER
TEXTUAL AMENDMENT ENTAILS THE ADDITION OF LANGUAGE

WHICH WILL MAKE EXPLICIT A CONCEPT WHICH WAS IMPLIED
IN ALL EARLIER INMARSAT DRAFTS (AND IS SIMILARLY
UNDERSTOOD ALTHOUGH NOT EXPLICITLY STATED IN THE
INTELSAT AGREEMENTS). WE REFER TO THE FACT THAT
MANY GOVERNMENTS STRICTLY REGULATE THE DISCLOSURE OF
CERTAIN TECHNOLOGY. IT IS APPARENT THAT INMARSAT
CAN ONLY EXPECT TO ACQUIRE THAT TECHNOLOGY WHICH CAN
IN FACT BE DISCLOSED ACCORDING TO THE DOMESTIC LAW
OF THE PLACE WHERE THE PARTICULAR TECHNOLOGY WAS
ACTUALLY DEVELOPED. THE ADDITIONAL LANGUAGE, THEN, WILL
MAKE IT CLEAR THAT THE ACQUISITION OF RIGHTS BY
INMARSAT IS SUBJECT TO APPLICABLE DOMESTIC LAW AND
REGULATIONS.

4. PLEASE ADVISE IF MESSAGE DELIVERED TO OTHER
THAN ADDRESSEE. SISCO

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NNN

Message Attributes

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Margaret P. Grafeld
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To: BONN
MULTIPLE
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